



# City of Sebastopol



**SEBASTOPOL**  
Local Flavor. Global Vision.

## Minutes

### MINUTES OF THE SEBASTOPOL CITY COUNCIL MEETING OF

June 21, 2011

AS APPROVED BY THE CITY COUNCIL AT THEIR MEETING OF JULY 5, 2011

5:00 pm - CONVENE CITY COUNCIL MEETING, - SPECIAL MEETING  
TIME - Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA

CALL TO ORDER: Mayor Wilson called the meeting to order at 5:00 p.m.

ROLL CALL

Present:	Councilmembers Shaffer, Slayter, Gurney and Mayor Wilson
Absent:	Vice Mayor Kyes
Staff:	City Manager Griffin, City Clerk Gourley, City Attorney McLaughlin, Engineering Director Kelly, and Planning Director Webster

**1. Planning Commission Interviews (City Manager)**

- 5:00 pm - Yvette Williams van Aggelen
- 5:20 pm - Robert Jacob
- 5:40 pm - Michael Jacob

The Council interviewed the applicants for Planning Commission Appointments.

City Council Action: None Required.

Reference Order Number: 2011-094

ADJOURNMENT: Mayor Wilson adjourned the meeting at 6:00 p.m.

**CITY OF SEBASTOPOL  
CITY COUNCIL MEETING  
MINUTES OF MEETING June 21, 2011  
SEBASTOPOL YOUTH ANNEX, 7120 Bodega Avenue, Sebastopol, CA 95472  
6:00 pm**

The Notice of the Meeting was posted on the City Hall Bulletin Board by the City Clerk on June 16, 2011.

CONVENE CITY COUNCIL MEETING, Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA

CALL TO ORDER: Mayor Wilson called the meeting to order at 6:05 p.m.

ROLL CALL

Present:	Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson
Absent:	None

Mayor  
Guy Wilson  
City Council  
Michael Kyes, Vice Mayor  
Kathleen Shaffer  
Sarah Glade Gurney  
Patrick Slayter

City Manager  
Jack Griffin  
City Attorney  
Larry McLaughlin  
City Clerk  
Mary Gourley

CITY COUNCIL MEETING MINUTES OF JUNE 21, 2011

Staff: City Manager Griffin, City Clerk Gourley, City Attorney McLaughlin,  
Engineering Director Kelly, and Planning Director Webster

SALUTE TO THE FLAG: Mayor Wilson led the salute to the flag.  
PRESENTATIONS/PROCLAMATIONS: There were none.

APPROVAL OF MINUTES OF: June 7, 2011

Councilmember Slayter moved and Councilmember Shaffer seconded the motion to approve the minutes of the June 7, 2011 City Council Meeting as amended:

VOTE:

Ayes: Councilmembers Shaffer, Slayter, and Mayor Wilson  
Noes: None  
Absent: None  
Abstain: Vice Mayor Kyes and Councilmember Gurney

Mayor Wilson requested the Council re-order the following agenda items to be heard first as Vice Mayor Kyes was in attendance for a short time. He requested the Council conduct the agenda business as follows:

Items 10, 11, 12, 13, and then Item Number 2 on Consent Calendar. He stated it has been requested that Item Number 2 be removed from the consent calendar.

The Council was in consensus to hear the agenda items as requested above.

PUBLIC COMMENT(S) (This is an opportunity for the public to address the City Council on items that are not listed on the agenda. This time is set aside to receive comments from the public regarding matters of general interest not on the agenda, but related to City Council business. Pursuant to the Brown Act, however, the City Council cannot consider any issues or take action on any requests during this comment period. Speakers are encouraged to limit their comments to 3 minutes maximum so that all speakers have an opportunity to address the City Council. It is the goal of the Council to conclude the public comments portion of the agenda within 30 minutes. The presiding officer, typically the Mayor, reserves the right to reduce the time per speaker or carry over public comments to after all business items are completed.

Mary Morrison read a prepared statement addressing the civil court issues of John Jenkel discussing fines, default judgment, and the unconstitutional taking away of his property. Ms. Morrison read the transcript from the court case.

Mr. Jenkel, Graton, continued reading the transcript discussing the fines, loss of property, loss of part of his farm to organized crime, and discussed War Powers Resolution and stopping of mass murder.

Una Glass, wife of Vice Mayor Michael Kyes, thanked the community for their support and especially the Fire Department for their quick response and Palm Drive Hospital. She also thanked former Councilmember Linda Kelley and the Council and staff for their support. She also urged the Council to discuss the redistricting in California and stated lines are being drawn that bifurcates the town of Sebastopol and urged the Council to get assertive and protect this legislative area.

Colleen Ferland commented as follows:

- discussed the complaint filed by Congressman Kucinich and urged the City to join the lawsuit to not allow the President to act unilaterally without declaration of war from Congress;
- questioned why Congresswoman Woolsey's name was not on the complaint
- insisted the Council put this on the agenda to change the policy and say so to the administration
- Stated the dollars need to come home for the community's needs; job creation; sustainable energy and develop a new economy

Magick commented as follows:

## CITY COUNCIL MEETING MINUTES OF JUNE 21, 2011

- thanked the Planning Commission for their decision on the CVS application
- stated she has a concern with the process and stated the Chair cut off people when speaking
- stated this was shocking and stifling of Planning Commissioner's comments
- urged the Council to work with the Planning Commission on parameter of meetings
- thanked the commission for keeping the integrity of the town
- stated it is about time the rights of private property owners do not supersede the integrity of the community

Linda Berg commented as follows:

- spoke on Lyme disease and stated it is an epidemic and the community needs effective treatment
- urged the Council to get in touch with Palm Drive Hospital to get Lyme literate doctors on staff
- stated health is the most important asset
- urged the Council to wire the microphones and move the cell tower

COUNCILMEMBER ANNOUNCEMENTS(s) (This is an opportunity for any Councilmember to make a brief announcement to the community)

Councilmember Gurney announced the following:

- Stated she has an article in the Gazette and stated she wrote an educational piece on leaf blowers
- June 23 - Blood Bank of the Redwood Blood Drive, Masonic Center, 4:00 - 7:00 pm
- June 25 - 9:00 am - Sebastopol Walks
- June 29th - 5:00 pm - Cittaslow Meeting, City Hall

Councilmember Shaffer announced the following:

- stated the County is considering a smoking ordinance similar to Sebastopol's
- stated the Northern Center for Well Being has publicly thanked the City for their ordinance
- July 3 - Kiwanis Fireworks
- discussed attending the Save the Library meeting and urged people to become Friends of the Library
- June 30th - Senior Fair and Town Hall at Palm Drive Hospital

DISCUSSION AND/OR ACTION ITEM(s): (this item was moved up on the agenda)

**10. Discussion of Recommendations by the Business Outreach Committee and Appointment to the Vacancy(ies) on the Business Outreach Committee (BOC): 5 Vacancy(ies):**

- Dan Needham, At Large Member - term expires June 30, 2011
- Ted VanDoorn, At Large Member - term expires June 30, 2011
- Randy Coffman, At Large Member - term expires June 30, 2011
- Bill Takacs, At Large Member - term expires June 30, 2011
- Carl Kerwick, At Large Member - term expires June 30, 2011

City Manager Griffin presented the staff report recommending the City Council appointment five applicants to the Business Outreach Committee.

Councilmember Gurney stated she appreciates the number of volunteers who have applied. She stated she has reviewed the recommendations of the Business Outreach Committee and would like to include Ian Kalember as a nominee. She stated he has attended numerous City meetings, owns a small business on Main Street and offers a unique and important perspective. She stated that Mr. Lok was asked to apply; however, Mr. Kalember has demonstrated an interest in local politics. She suggested removing Mr. Lok and nominating Mr. Kalember.

Mayor Wilson stated it is difficult to fill spaces when the Council has not conducted the interview. He stated he is impressed with Mr. Kalember who has consistently attending Council meetings, provides articulate remarks and is tuned in to the community.

Councilmember Shaffer stated it is a difficult position and stated that Mr. Kalembert will be joining the Chamber of Commerce Board. She suggested nominating Richard Polheber who is the CEO for Palm Drive Hospital. She stated it is important to have Palm Drive stay in the community as we need this hospital. She stated Mr. Polheber is a great business person and would like to see him on the BOC.

Vice Mayor Kyes stated he is uncomfortable being asked to appoint someone he knows nothing about. He stated he would prefer to interview the applicants before making appointments.

Mayor Wilson questioned if the Council could interview the applicants in early or mid July or would this be an issue with the BOC business.

City Manager Griffin stated that he did not believe there was pressing business and that the BOC could either ask the members to stay on for an additional meeting or cancel the July meeting.

Councilmember Shaffer stated she would prefer to interview the applicants.

Councilmember Gurney questioned if it would be possible to appoint alternates.

City Manager Griffin stated the policy would need to be amended to be able to appoint alternates. City Manager Griffin stated it has been the Council's practice to have members continue to sit on the Board or Commission until new members were seated.

Mayor Wilson suggested conducting the interview prior to the next meeting.

Mayor Wilson moved and Councilmember Slayter seconded the motion to interview BOC applicants at the July 5th meeting beginning at 4:00 pm.

Discussion:

Vice Mayor Kyes stated he would prefer July 19th.

Councilmember Gurney questioned if interviewing the BOC applicants goes against the ordinance.

City Manager Griffin stated no.

Mayor Wilson amended his motion and Councilmember Slayter seconded the amended motion to interview BOC applicants at the July 19, 2011 meeting beginning at 4:00 pm.

VOTE:

Ayes:	Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson
Noes:	None
Absent:	None
Abstain:	None

City Council Action: Approved conducting of BOC interviews on July 19, 2011 beginning at 4:00 pm.  
Minute Order Number: 2011-097

#### **11. Discussion of Extension of the Application Process for the Planning Commission Appointments (Councilmember Shaffer)**

Councilmember Shaffer presented the report recommending the City Council discuss Extension of the Application Process for the Planning Commission Appointments. She stated that there are three applicants for three positions and would prefer to extend the deadline. She stated the new policy reflects that if there are the same or fewer number of applicants for the vacancies, the application period will be extended two weeks.

Mayor Wilson stated the Council had three applicants for three vacancies and conducted the interviews earlier tonight. He stated this is not about setting up a competition, but to appoint individuals qualified to do this job and what is best for the community. He stated he believes there were three qualified applicants to serve on the Planning Commission. He stated there was a wide noticing of the vacancies and the City received three applicants and stated he would not want to extend these applications. He stated there are also vacancies coming open in the near future.

Vice Mayor Kyes stated he did not see a reason to advertise these again. He stated they were well advertised and people were aware of the deadline. He stated the City received three applications for three vacancies and believes the Council should appoint tonight.

Councilmember Gurney stated the Council always has a choice not to appoint an applicant if they are not qualified and stated there is an opportunity to do that during the interview process to re-open the announcements if the Council does not appoint for all vacancies. She stated she believes the Council received a good pool of applicants.

Councilmember Shaffer withdrew her request.

Mayor Wilson opened for public comment.

Linda Berg commented she would like to see the application process extended. She stated there are individuals who did not apply that can provide a different perspective and urged the Council to extend the deadline for a couple weeks.

Colleen Fernald commented stated the openings were noticed. She suggested the Council appoint two applicants tonight and extend one of the vacancies for an additional two weeks.

Helen Shane commented the Council did not need to extend the vacancies as they have been noticed for months. She stated there are more vacancies coming open in December and people will have an opportunity to apply then.

Magick commented she appreciates the discussion and action and reminded the Council to open for public comment as it did not happen on the last item.

City Council Action: None taken. Request withdrawn.  
Reference Order Number: 2011-098

**12. Appointment of Planning Commission Members to Fill Vacant Terms of:**

- **Robert Green, Term Ending 2011**
  - **Yvette Williams Van Aggelen, Term Ending: June 2011**
  - **C. Simon Turkalj, Term Ending: December 2012**
- *\*This item is contingent upon the results of the discussion regarding Item Number 11 above.*

City Manager Griffin presented the staff report recommending the City Council appoint applicants to the Planning Commission for terms indicated.

Councilmember Gurney moved and Mayor Wilson seconded the motion to appoint all three members to the Planning Commission.

Discussion:

Councilmember Gurney stated that Yvette Williams van Aggelen has shown experience, education, training and brings an expertise to the Planning Commission. She stated her answers are skilled and she brings a personal ethics to the job also. She stated that Robert Jacobs has shown good community input,

has good listening skills and has built relationships and rapport with the community and is a trust builder which she stated is important in the public process. She stated Michael Jacob has shown an awareness and sensitivity to aesthetics, awareness of his own thought process and an interest in the process having thoughtfulness to the public.

Mayor Wilson stated he was impressed with all three applicants and the diversity that all three can bring to the Commission. He stated that all three have a keen interest in the community and were willing to step forward.

Councilmember Gurney withdrew her motion to allow for public comment.

Mayor Wilson opened for public comment. There was none.

Vice Mayor Kyes stated he concurs that all three applicants are well qualified and that the only determination is which applicant would fill the 2012 termination expiration vacancy. He suggested that Yvette Williams van Aggelen and Michael Jacob fill the 2014 termination expiration seats and that Robert Jacob fill the 2012 term expiration date.

Councilmember Gurney concurred.

Councilmember Slayter questioned the term expiration dates and asked if these are staggered. Staff stated the term expiration of December 31, 2014 which creates a 3 1/2 year is to follow the Ordinance of Planning Commissioners taking office effective January 1 of the following year.

Councilmember Slayter thanked all the applicants for applying and taking this step into government.

Mayor Wilson moved and Councilmember Gurney seconded the motion to appoint Yvette Williams van Aggelen and Michael Jacob to the Planning Commission for a term ending December 31, 2014 and appoint Robert Jacob to the Planning Commission for a term ending December 31, 2012.

VOTE:

Ayes:	Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson
Noes:	None
Absent:	None
Abstain:	None

City Council Action: Appointed Yvette Williams van Aggelen and Michael Jacob to the Planning Commission for a term ending December 31, 2014 and appoint Robert Jacob to the Planning Commission for a term ending December 31, 2012

Minute Order Number: 2011-099

Mayor Wilson called for a break at 7:17 pm and reconvened the meeting at 7:30 pm.

### **13. Continuation - Authorization to Issue Request for Proposals for Re-circulated Environmental Impact Report, Laguna Vista Project (Planning Director)**

Planning Director Webster presented the staff report recommending the City Council continue discussion and authorize staff to issue Request for Proposals for Re-circulated Environmental Impact Report, Laguna Vista Project.

Mayor Wilson questioned if the selection of the consultant would go to the lowest bidder.

Planning Director Webster stated no, that the selected consultant would be based on qualifications, expertise, best understanding of the job and relevant experience analyzing the items of the proposal.

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Mayor Wilson questioned if the RFP is intended to carry forward the elements and items listed in the previous resolution and will the consultant be reviewing these areas of concern as addressed in 2007. He stated the staff report indicates 8 subject areas and stated number 6 and 8 are broad and could be open ended. He questioned if the proposal will satisfy the Council concerns as addressed in the 2007 resolution.

Director Webster stated the selected consultant will be reviewing the resolution issues as well as the 8 additional subject areas listed in the staff report to conduct an analysis to determine if anything is different or confirm that it is still up to date. He stated the proposal may not address a lot of specifics.

City Attorney McLaughlin stated it will be the duty of the selected consultant to produce an adequate EIR that will be certifiable and stated they will be required to review all areas of the previous EIR to produce an adequate final document.

Vice Mayor Kyes stated he walks by the Laguna every day and has noticed a different fall out area or wetland area than it was ten years ago and stated some has turned into a riparian habitat. He stated there is a chance that the area has changed and questioned if this will be taken into account. He stated where the wetlands are now is a much larger area than depicted.

Director Webster stated the consultant will review this area and provide information to the City if there is any new physical features that are observed on the land.

City Attorney McLaughlin stated the consultant will need to determine the extent of the wetlands.

Vice Mayor Kyes discussed the Scenic Open Space District and stated if a wetland occurs it cannot be mitigated which means it would need to be left in place. He questioned the location of the wetlands in relation to the project and questioned if the consultant could show that the project may not be feasible and provide an alternative. He stated he did not want to spend more money if the General Plan would reject it anyway.

Director Webster stated under State Law, the applicant has a vested tentative map which means that the project was deemed complete and the project is protected from subject changes to various laws. He stated that the SOS ordinance is different today than it was when this project was deemed complete and that the project would be vested under the prior SOS ordinance.

Vice Mayor Kyes questioned if the older SOS applies to the application. Director Webster stated yes.

Mayor Wilson questioned the date of the application when deemed completed. Director Webster stated 2003.

Mayor Wilson opened for public comment.

Magick commented as follows:

- needs an interpretation of the law and as to whether or not the ESOS applies
- she stated the wetlands are covered and the application should be covered under the ESOS
- she thanked the Council for creating transparency
- she would like to see the public's concerns addressed in the RFP
- requested that the same consultant not be used
- requested the new consultant be asked how they feel about public comment and how much weight they give public comment
- requested a traffic study during the school year
- discussed the article in the Press Democrat on tiger salamander
- requested the application be brought up to date
- requested the General be worked with to protect the land next to the Laguna

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- requested the consultant look at what has been grown there and what has developed there

Jane Nielsen, SWIG, geologist, PhD in Geology and worked 20 years with the USGS commented as follows:

- provided a handout to the Council
- stated local well owners have water supply concerns
- discussed the USGS Santa Rosa Plain Groundwater study and requested that be used instead of the 2007 Northeast Area Water Supply Assessment
- Discussed the Wilson Grove formation and potential recharge
- discussed areas contributing water to the Sebastopol wells
- stated people area concerned Atascadero Creek is contributing to Sebastopol wells
- discussed margins of the study area and the Santa Rosa Groundwater Basin
- stated the Laguna is a man made drainage channel
- discussed the 1985 City of Sebastopol report and work which used actual field work and groundwater tables and stated the well measurements defined the lines of the contour elevations
- discussed zone of recharge for City wells
- Stated the USGS report is an accurate representation of the City's groundwater recharge area
- stated this report will be released in the fall and stated she would argue against using the 2007 Water Supply Assessment report in the RFP

Helen Shane commented as follows:

- stated Sebastopol depends on wells for potable water
- stated Well 6 is a major supplier of the Sebastopol water system
- stated the well will be surrounded by urban roofs, pollution, construction, etc and the Wellhead Protection report states that areas around wellheads are not to be developed
- she stated all city wells are in a dense urban setting
- discussed well contamination, water levels and water level variability
- stated a detailed study can determine the cause of variability
- stated an EIR mitigation should be to abate urban pollution
- 

Colleen Fernald commented as follows:

- stated she agrees with the RFP specifics on water supply and stated the parameters change with the politics
- discussed the uncertainty of water supply and flood protection
- discussed amount of land paved over and faster run off
- stated this is not the best fit and urged the property owners to work with Open Space to purchase the land
- stated half the land could be for the Laguna and the other half for smart green affordable housing
- stated the best price should be given for the land to be protected

Rue Furch commented as follows:

- stated the information will serve the City well
- stated a new current assessment of the wetlands on the property needs to be conducted
- stated a new independent scientific assessment needs to be made and needs to be certified by the Army Corp of Engineers
- stated it needs to be clear where the seasonable wetlands are during the wet season
- urged the Council to take advantage of the USGS study

Doug Emory commented as follows:

- questioned who speaks for the Sebastopol meadow foam
- stated the scope of the EIR should include a reasonable and competent survey of the Sebastopol meadow foam during the wet season
- stated the consultant should close regard the findings and study all issues in the resolution
- stated the last EIR was an embarrassment to the community

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- urged a competent and independent consultant

Scot Stegeman commented as follows:

- questioned the process and stated this is not a scoping process and stated if it was, were all required agencies notified
- stated this is a contract and the contract does not provide for a scoping process
- questioned who would submit the materials to the State and stated the procedure needs to be laid out in the contract
- stated there are new regulations that need to be addressed such as air quality, City's climate action plan, AB 32 compliance, etc
- stated EVA was never evaluated and stated if there is no EVA, it would create a long cul de sac
- discussed solar access, heights of buildings, screening, etc
- questioned the nature of the vesting tentative map and stated it does not insulate the project 100%

Katherine Ketler commented as follows:

- discussed the affordable housing element
- stated a new assessment needs to be done to determine if Laguna Vista is in compliance with the low cost affordable housing requirement

Jeff Pearce read a prepared statement from Paul Schbracq discussing the needed mitigations, conducted a thorough EIR; discuss a Statement of Overriding Consideration and stated the developer is better protected with a thorough EIR.

Jeff Roth stated the City needs more affordable housing and should come to a compromise.

Mayor Wilson questioned if there was more specificity as to the release of the USGS report in the fall,

Engineering Director Kelly stated that they have completed the data gathering and are in the process of writing the report to publish it in the fall; however, a firm date has not been set other than the fall.

Mayor Wilson questioned if the data is fixed or is there still interpretation. Engineering Director Kelly stated the date is fixed and that the report will be out soon for peer review.

Mayor Wilson questioned the process and timing for the RFP. He questioned if staff would need to issue the RFP, receive the RFP, review the proposals and then submit to Council for approval. He questioned if there is a coincidence in the time frame to have the consultant use the study.

Director Webster stated that the RFP would be issued, RFPs received and reviewed and then brought to Council for approval. He stated it would possibly take two months for that time frame.

Mayor Wilson questioned the eight points listed in the staff report and stated this would be up to the consultant's interpretation and would hope that the consultant interprets that to indicate that they need to be aware of the upcoming USGS report and can be indicative that this could be taken into account. He questioned if one of the elements could be that the USGS report should be reviewed when available.

Director Webster stated that the consultant should be aware of the relevant information, and the City has an obligation to process the project using the information available and that waiting for a report that the City does not know the release date can get in the way of the City's obligation to process the application.

Councilmember Shaffer questioned if the process tonight is to issue the RFP using the resolution of 5608 with the additional points as listed in the staff report.

Director Webster stated the Council could add a new piece of information that is related to this project that would need to be considered if it is to be considered in a timely manner.

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City Attorney McLaughlin stated that the RFP considers all relevant information available at the time and that the USGS study could be reviewed if it is made available during the time the consultant is doing the work. He stated otherwise it would create an unjustly delay of the project to wait on a report that is to be released in the future.

Councilmember Gurney stated there are different elements to work with such as reviewing traffic during the school year and studying the meadow foam during the spring and stated that these are relevant to the content of work to be valid. She stated she would like to have the prerogative to review the upcoming report and advise the consultant to do different elements of work. She questioned if it is within our purview to ask and organize the work and insert specific components such as the anticipated USGS report as an anticipated report.

Director Webster stated the report could be reviewed if the report is made available on a timely basis. He stated the RFP is not calling for a seasonable survey of the meadow foam, but to review the previous study.

City Attorney McLaughlin stated all available studies on meadow foam will be reviewed by the consultant who will inform the City what if any additional needs of work will need to be done. He stated there is no justification that a seasonal study be conducted on meadow foam.

Councilmember Gurney suggested that the RFP stated that timing of providing the study needs to be analyzed.

City Attorney McLaughlin stated that the studies will be analyzed and the consultant will be required to look at all information. He stated the EIR and scoping session has been done previously and the consultant will need to focus on the RDEIR, but they have not been directed to complete one at this point.

Mayor Wilson stated that item number two states that the traffic study is to be done at a time when school is in session and questioned if this empowers the City to do studies at an appropriate time. He stated the Council would be looking at the merits of the proposal and select the appropriate consultant. He stated this RFP gets the City to the next step with the additional 6-8 items. He stated the USGS water study could be reviewed if it is released at the time of the selection of the consultant and if it does not exist at that time, it cannot be looked at. He stated the process allows for public comment and the City needs to get this report done and get it done right.

Councilmember Shaffer questioned if the City has received complaints from private well owners and is this a recent problem.

Engineering Director Kelly stated she has not received any recent complaints.

Vice Mayor Kyes stated the City needs to ensure this is a comprehensive update and that the EIR needs to be rigorously reviewed. He stated the review should be measured in pounds not in pages and that it should only be done one time. He questioned the tentative map and questioned what is the target we are shooting for. He stated that it needs to be clearly defined what the requirements are, where the wetlands are, where the setbacks are and stated he would like to see the reference to the Water Supply report of 2007 removed from the RFP as it is inaccurate and should not be used.

Mayor Wilson stated the vested tentative map is not before the City Council and if there is a legal obstacle, staff will inform the Council if there is an issue.

City Attorney McLaughlin stated this project does have a vested tentative map and that the prior SOS does apply. He stated the application has been deemed complete and is not relative to the RFP.

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Mayor Wilson stated that there are issues related to the Laguna Vista project, but tonight the Council is determining whether or not to issue the RFP. He stated that during the review, other issues may come out, but he is willing to act on the RFP as it is prepared with a few minor changes such as specifying that the USGS report is to be reviewed if it is available.

Councilmember Gurney stated she would also like to include reference to the USGS report.

Mayor Wilson stated he was disinclined to delete the reference to the 2007 Water Supply Assessment Report and stated he would trust the process to get the best consultant to do the work. He stated if the 2007 Water Supply Assessment report is not of value, then it would be up to the consultant to let the City know. He stated the RFP faithfully carries forward everything asked for by the Council from the stated resolution and to provide for updated information.

Councilmember Slayter stated he concurred and that the RFP covers issues raised by the community and City Council in 2007 with the addition of the points as listed in the staff report. He suggested the consultant use the information as it comes available and follow the issues of the 2007 resolution.

Councilmember Gurney stated the consultant is obligated to consider new information if it is relevant to the issues and stated there is new material relevant to the Sebastopol meadow foam. She stated she is concerned that there are different wetlands now than under previous consideration and stated she would like to give instructions to examine the delineations to see if they are still accurate. She stated she would like the consultant to review the UGS report, Sebastopol meadow foam and the wetlands delineation area.

Director Webster provided language as follows: In addition, the EIR shall review the physical site to evaluate if any environmental conditions are different than previously analyzed.

Councilmember Gurney stated she is concerned that a consultant would not be an expert in so many different fields to make an assessment and suggested retaining an expert.

Director Webster stated that the larger companies have experts on staff or as sub-consultants.

Councilmember Gurney suggested adding language, such as but not limited to.,

Director Webster stated the consultant will be directed to the minutes of the hearing on the previous RFP and also tonight's meeting to understand the issues.

Mayor Wilson stated that he would like to be consistent with the legal status of the situation and know exactly what language is to be included.

Vice Mayor Kyes questioned if Item #6 can be stated to re-evaluate the Initial Study to be seasonably sensitive to the wetland areas and review the prior analysis and inform the City if additional analysis needs to be completed.

Councilmember Gurney stated the site review needs to be done at a seasonally appropriate time.

Director Webster stated the consultant will be required to look at the totality of the request and determine if they have enough information or if additional studies are necessary.

Mayor Wilson stated that he will trust the consultant to provide other information if determined. He stated if that does not happen, then no one is well served.

Councilmember Gurney requested wording for the additional add on of wetlands and USGS study. She requested direction to the consultant that highlights that they need to be responsive to the community and to issues expressed.

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Director Webster provided the following wording: In addition, the EIR shall review the physical site to evaluate if any environmental conditions such as Sebastopol meadow foam, wetland delineations or other issues are different than previously analyzed and that the USGS report which is anticipated to be released in the fall be reviewed if available.

Councilmember Shaffer moved and Councilmember Gurney seconded the motion to authorize staff to issue Request for Proposals for Re-circulated Environmental Impact Report, Laguna Vista Project with the following amendment:

In addition, the EIR shall review the physical site to evaluate if any environmental conditions such as Sebastopol meadow foam, wetland delineations or other issues are different than previously analyzed and that the USGS report which is anticipated to be released in the fall be reviewed if available.

Discussion:

Councilmember Slayter stated those areas are already identified in the resolution and verbiage of the RFP.

Mayor Wilson concurred and stated it is redundant.

VOTE:

Ayes:	Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson
Noes:	None
Absent:	None
Abstain:	None

City Council Action: Authorized staff to issue Request for Proposals for Re-circulated Environmental Impact Report, Laguna Vista Project with the following amendment: In addition, the EIR shall review the physical site to evaluate if any environmental conditions such as Sebastopol meadow foam, wetland delineations or other issues are different than previously analyzed and that the USGS report which is anticipated to be released in the fall be reviewed if available.

Minute Order Number: 2011-100

Vice Mayor Kyes departed the meeting at 9:15 p.m.

Mayor Wilson called for a break at 9:15 p.m. and reconvened the meeting at 9:25 p.m.

CONSENT CALENDAR ITEM(S): The following items listed on the Consent Calendar are considered routine and action will be taken by the City Council by a single motion. A Councilmember, staff or the public may request that an item be removed from the Consent Calendar and action taken separately. In the event an item is removed, it shall be considered as the first scheduled item in the agenda. Members from the public wishing to speak on a Consent Agenda item should notify the Mayor.

Councilmember Shaffer requested Item Number 2 be removed from the consent calendar.

Councilmember Gurney requested Item Number 8 be removed from the consent calendar.

Councilmember Gurney moved and Mayor Wilson seconded the motion to approve Consent Calendar Items 3, 4, 5, 6, 7, and 9.

VOTE:

Ayes:	Councilmembers Shaffer, Slayter, Gurney, and Mayor Wilson
Noes:	None
Absent:	Vice Mayor Kyes
Abstain:	None

- 3. Acceptance of Report of Five-Year Capital Improvement Plan and Resolution Approving the Capital Improvement Program (CIP) Budget for 2011-2012 (Engineering Director)**

City Council Action: Accepted Report of Five-Year Capital Improvement Plan and Resolution Approving the Capital Improvement Program (CIP) Budget for 2011-2012

Resolution Number: 5838

**4. Approval of Sebastopol Solid Waste Annual Rate Adjustment in Garbage Rates Per Franchise Agreement with Redwood Empire Disposal (City Manager)**

City Council Action: Approved Sebastopol Solid Waste Annual Rate Adjustment in garbage Rates Per Franchise Agreement with Redwood Empire Disposal

Minute Order Number: 2011-095

**5. Approval of Resolution Ratifying Memorandum of Understanding (MOU) with Sebastopol Police Officers Association (SPOA); Approval of Resolution Ratifying Memorandum of Understanding (MOU) with Service Employees International Union (SEIU - Public Works); and Approval of Resolution Ratifying Memorandum of Understanding (MOU) with Management, Mid-Management, and Unrepresented Employees (City Manager)**

City Council Action: Approved of Resolution Ratifying Memorandum of Understanding (MOU) with Sebastopol Police Officers Association (SPOA); Approval of Resolution Ratifying Memorandum of Understanding (MOU) with Service Employees International Union (SEIU - Public Works); and Approval of Resolution Ratifying Memorandum of Understanding (MOU) with Management, Mid-Management, and Unrepresented Employees

Resolution Number: 5839

**6. Approval of Resolution Amending Salary Plan for Sebastopol Police Officers Association (SPOA); Service Employees International Union (SEIU - Public Works); and Management, MidManagement, and Unrepresented Employees (City Manager/ Administrative Services Director)**

City Council Action: Approved of Resolution Amending Salary Plan for Sebastopol Police Officers Association (SPOA); Service Employees International Union (SEIU - Public Works); and Management, MidManagement, and Unrepresented Employees

Resolution Number: 5840

**7. Approval of Resolution Implementing the Provision of Section 414(h)(2) of the Internal Revenue Code with respect to employee contributions to the California Public Employees Retirement System (City Manager)**

City Council Action: Approved of Resolution Implementing the Provision of Section 414(h)(2) of the Internal Revenue Code with respect to employee contributions to the California Public Employees Retirement System

Resolution Number: 5841

**9. Approval of Resolution Amending the VantageCare Retirement Health Savings (RHS) Plan for the Unrepresented Employee Group and the Sebastopol Police Officers Association (SPOA) (City Manager)**

City Council Action: Approval of Resolution Amending the VantageCare Retirement Health Savings (RHS) Plan for the Unrepresented Employee Group and the Sebastopol Police Officers Association (SPOA)

Resolution Number: 5842

**2. Resolution Adopting City Budget for 2011-2012 for City of Sebastopol (City Manager/ Administrative Services Director) and Resolution Establishing the Fiscal Year 2011-2012 Appropriations Limit as Required by the Constitution of the State of California (City Manager)**

Councilmember Shaffer stated she was concerned with reduced sales tax revenue and property tax revenues and questioned if this budget is sustainable. She questioned if the Redevelopment Agency goes away how is the City going to look in a year or two.

**CITY COUNCIL MEETING MINUTES OF JUNE 21, 2011**

City Manager Griffin stated the City should in the second year see additional cost savings from the SPOA agreement of approximately \$50,000. He stated there are many variables that the City cannot control. He stated that the City has taken away employee benefits but are still seeing an increase in doing business as a City. He stated he expects to see the increases continue. He stated that the employees are picking up their health care costs and retirement costs but they have not received any raises. He stated that the supply and services budgets are flat. He stated that the City has a lean operation but there are tools in the tool box if needed to try to cover expenses such as lay offs. He stated the Council has seen an increase in the General Fund reserve and that it is three times higher than where the City started and the City is in a much better place to react.

Councilmember Shaffer stated the City is in a much better place because the employees were asked to take cuts and thanked the employees and stated that could not be said enough.

City Manager Griffin discussed the tax extensions and that depending on revenues in the upcoming years, the Council may be making a decision as to whether or not to go back out to the voters.

Councilmember Gurney stated we need to get the message out and do all we can to publicize our own market and economy and to spend dollars in town. She stated that the Council relies on the City Manager to keep the Council informed as to where the City is on the budget and suggested a quarterly update. She stated she did not have an issue going to the voters to re-up the taxes as she believes they have a willingness to support their own community and she is confident the voters understand the revenue issues. She stated she is also grateful to the Council for including funding in the Council initiatives budget. She stated this is a needed opportunity to support endeavors that come to the Council that are significant to the community. She questioned the amount for dues and subscriptions.

City Manager Griffin stated this is a solid figure and pays for ABAG, SCTA/RPCA and League of California Cities dues and Mayors and Councilmembers.

Councilmember Gurney stated this is the best product of what the City can do knowing how the funding is flowing. She cautioned though that these accounts may be over-spent and wanted the Council to recognize that. She questioned the amount of sales tax and property tax trends.

City Manager Griffin stated the City receives estimated amounts that will vary during different times in the year and cautioned the Council those amounts will be reflected in the updates. He stated the City has to received the first quarter sales tax report yet.

Mayor Wilson requested an update on the Redevelopment Agency possible elimination. City Manager Griffin stated the State is reviewing two measures and provided information on possible scenarios.

Mayor Wilson moved and Councilmember Shaffer seconded the motion to approve Resolution Adopting City Budget for 2011-2012 for City of Sebastopol (City Manager/Administrative Services Director) and Resolution Establishing the Fiscal Year 2011-2012 Appropriations Limit as Required by the Constitution of the State of California.

VOTE:

Ayes:	Councilmembers Shaffer, Slayter, Gurney, and Mayor Wilson
Noes:	None
Absent:	Vice Mayor Kyes
Abstain:	None

City Council Action: Approved Resolution Adopting City Budget for 2011-2012 for City of Sebastopol (City Manager/Administrative Services Director) and Resolution Establishing the Fiscal Year 2011-2012 Appropriations Limit as Required by the Constitution of the State of California  
Resolution Number(s): 5836 and 5837

**8. Approval of City Sponsorship of Transition Style – Make Sebastopol Smile  
(Councilmember Shaffer)**

Councilmember Shaffer presented the report requesting the Transition Style be allowed to use the City logo.

Councilmember Gurney requested clarification as to which logo the group would like to use. She stated the City of Sebastopol has three logos and stated this activity fits naturally and comfortably into the Cittaslow priorities and stated she would like to make this available for publicity

Councilmember Shaffer thought they were requesting the original logo but she would check with the group.

Councilmember Gurney suggested making all the logos available to the group.

Councilmember Gurney moved and Mayor Wilson seconded the motion to approve City Sponsorship of Transition Style – Make Sebastopol Smile and to approve use of any of the three City logos.

VOTE:

Ayes: Councilmembers Shaffer, Slayter, Gurney and Mayor Wilson  
Noes: None  
Absent: None  
Abstain: Vice Mayor Kyes

City Council Action: Approved City Sponsorship of Transition Style – Make Sebastopol Smile and to approve use of any of the three City logos

Minute Order Number: 2011-096

DISCUSSION AND/OR ACTION ITEM(S): Items were heard previously in the meeting.

PRESENTATION(S): NONE  
PUBLIC HEARING(S): NONE  
INFORMATIONAL REPORTS (No Action Required by the City Council): NONE

**CITY COUNCIL REPORTS**

**14. City Manager Reports:**

City Manager Griffin reported that with the approval of previous agenda items, City offices will be closed every Friday effective July 1, 2011.

City Manager Griffin stated City Offices are making computer improvements and encouraged the Council and public to be patient with the transition.

**15. City Council Committees:**

Councilmember Gurney stated she attended the Coastal Commission Meeting

Councilmember Shaffer stated the League of CA Cities are discussing several bills that will affect local City control and stated she will be bringing agenda items forward to the Council.

Mayor Wilson stated he attended the Sonoma Marin Mosquito Abatement Meeting.


**16. Council Reports:** Councilmember Shaffer requested an update on the directional signs.

**17. Council Correspondence:** The council discussed agendizing the redistricting issue.

CLOSED SESSION: None

ADJOURNMENT: Mayor Wilson adjourned the City Council Meeting at 10:00 pm to the Next City Council Meeting to be held on July 5, 2011 at 6:00 pm at the Sebastopol Youth Annex, 425 Morris Street.

Respectfully Submitted,

  
Mary Gourley  
City Clerk